

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Robert McClintock,

Plaintiff,

Case No. 17-cv-12741

v.

Judith E. Levy

United States District Judge

Officer Furman, et al.,

Mag. Judge Stephanie Dawkins

Defendants. Davis

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [35]

Before the Court is Magistrate Judge Davis' Report and Recommendation recommending the Court dismiss plaintiff's complaint (ECF No. 1) and deny defendants' motions to dismiss (ECF Nos. 29, 30) as moot. The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in the reasoning and result. Accordingly,

The Report and Recommendation (ECF No. 35) is ADOPTED;

Plaintiff's complaint (ECF No. 1) is DISMISSED; and,

Defendants' motions to dismiss (ECF Nos. 29, 30) are DENIED.¹

IT IS SO ORDERED.

Dated: August 5, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 5, 2019.

s/Shawna Burns
SHAWNA BURNS
Case Manager

¹ By failing to object to the Report and Recommendation, the parties have waived any further right of appeal. *United States v. Archibald*, 589 F.3d 289, 295–96 (6th Cir. 2009).